

**SYSTEM NAME:** Office of General Counsel Records (ODNI-06).

**SECURITY CLASSIFICATION:** The classification of records in this system can range from UNCLASSIFIED to TOP SECRET. SYSTEM

**LOCATION:** Office of Director of National Intelligence, Washington, DC 20511.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:** Current and former staff and contract employees, personal services independent contractors, employees of industrial contractors, military and civilian personnel detailed or assigned to the Office of the Director of National Intelligence (ODNI); applicants for employment with the ODNI; current and former employees and contractors of other U.S. Government agencies; individuals in contact with the ODNI, including individuals whose inquiries concerning the ODNI or the Intelligence Community (IC) are forwarded to the Office of General Counsel for response; attorneys in private practice who hold ODNI security clearances or access approvals; individuals in government, academia, the business community, or other elements of the private sector with expertise on matters of interest to the Office of General Counsel; and individuals involved in matters subject to the ODNI or the IC's legal authorities, responsibilities, and obligations, including but not limited to administrative claimants, grievants, parties in litigation, witnesses, targets or potential targets of investigations or intelligence collection, and individuals who are interviewed by, or provide information to the ODNI or the IC.

**CATEGORIES OF RECORDS IN THE SYSTEM:** Legal documents, including but not limited to pleadings, subpoenas, motions, affidavits, declarations, briefs, litigation reports, and legal opinions; crimes reports obtained from the U.S. Department of Justice or other law enforcement agencies; public and confidential Financial Disclosure Reports; internal ODNI documents and cables, and correspondence with members of the public, members of the U.S. Congress, Congressional staff, and federal, state, local, international and foreign agencies, courts and administrative tribunals.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:** The National Security Act of 1947, as amended, 50 U.S.C. 401-442; Executive Order 12333, as amended (73 FR 45325); Executive Order 12958, as amended (68 FR 15315); and Executive Order 12968, as amended (73 FR 38103).

**PURPOSE(S):** Records in this system are used by attorneys in the ODNI Office of General Counsel to provide legal advice and representation to the ODNI and its officers; provide factual information necessary for the preparation of legal documents, including but not limited to pleadings, subpoenas, motions, affidavits, declarations, briefs, legal opinions, litigation reports, and reports to law enforcement agencies; provide a record of all private

attorneys who have received security clearances and/or access approvals for information necessary to their representation of ODNI-affiliated clients, and documentation of the nature, scope and duration of their representation of ODNI-affiliated clients; and maintain a record of federal, state, local, international or foreign litigation, administrative claims, and other legal matters in which ODNI is a party or has an interest.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:** See General Routine Uses Applicable to More than One ODNI Privacy Act System of Records, Subpart C of ODNI's Privacy Act Regulation published at 32 CFR part 1701 (73 FR 16531, 16541) and incorporated by reference (see also <http://www.dni.gov>).

**DISCLOSURE TO CONSUMER REPORTING AGENCIES:** None.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**

**STORAGE:** Paper records are stored in secured areas within the ODNI. Electronic records are stored in secure file-servers located within the ODNI.

**RETRIEVABILITY:** By name, personal identifier, case number, or key word. Information may be retrieved from this system of records by automated or hand search based on indices and automated capabilities utilized in the normal course of business. All searches of this system of records will be performed in ODNI offices by authorized staff.

**SAFEGUARDS:** Information in this system is safeguarded in accordance with recommended and/or prescribed administrative, physical and technical safeguards. Records are maintained in a secure government facility with access to the facility limited to only authorized personnel or authorized and escorted visitors. Physical security protections include guards and locked facilities requiring badges and passwords for access. Records are accessed only by authorized government personnel and contractors holding an appropriate security clearance and whose official duties require access to the records. Communications are encrypted where required and other safeguards are in place to monitor and audit access and to detect intrusions. System backup is maintained separately.

**RETENTION AND DISPOSAL:** Pursuant to 44 U.S.C. 3303a(d) and 36 CFR chapter 12, subchapter B, part 1228—Disposition of Federal Records, records will not be disposed of until such time as the National Archives and Records Administration (NARA) approves an applicable ODNI Records Control Schedule.

**SYSTEM MANAGER(S) AND ADDRESS:** General Counsel, c/o Director, Information Management, Office of the Director of National Intelligence, Washington, DC 20511.

**NOTIFICATION PROCEDURE:** As specified below, records in this system are exempt from certain notification, access, and amendment procedures. Individuals seeking to learn whether this system contains nonexempt information about them should address inquiries to the ODNI at the address and according to the requirements set forth below under the heading "Record Access Procedures."

**RECORD ACCESS PROCEDURES:** As specified below, records in this system have been exempted from certain notification, access, and amendment procedures. A request for access to non-exempt records shall be made in writing with the envelope and letter clearly marked "Privacy Act Request." Requesters shall provide their full name and complete address. The requester must sign the request; and have it verified by a notary public. Alternately, the request may be submitted under 28 U.S.C. 1746, certifying the requester's identity and understanding that obtaining a record under false pretenses constitutes a criminal offense. Requests for access to information must be addressed to the Director, Information Management, Office of the Director of National Intelligence, Washington, DC 20511. Regulations governing access to one's records or for appealing an initial determination concerning access to records are contained in the ODNI regulation implementing the Privacy Act.

**CONTESTING RECORD PROCEDURES:** As specified below, records in this system are exempt from certain notification, access, and amendment procedures. Individuals seeking to correct or amend non-exempt records should address their requests to the ODNI at the address and according to the requirements set forth above under the heading "Records Access Procedures." Regulations governing access to and amendment of one's records or for appealing an initial determination concerning access to or amendment of records are contained in the ODNI regulation implementing the Privacy Act.

**RECORD SOURCE CATEGORIES:** Records in the system are received from individuals covered by the system; generated by the ODNI and federal, state and local government agencies and courts; obtained from the media, the internet and commercial databases.

**EXEMPTIONS CLAIMED FOR THE SYSTEM:** Records contained in this System of Records may be exempted from the requirements of subsections (c)(3); (d)(1), (2), (3), (4); (e)(1) and (e)(4)(G), (H), (I); and (f) of the Privacy Act pursuant to 5 U.S.C. 552a(k)(1), (k)(2), and (k)(5). Records may be exempted from these subsections or, additionally, from the requirements of subsections (c)(4); (e)(2), (3), (5), (8), (12); and (g) of the Privacy Act consistent with any

exemptions claimed under 5 U.S.C. 552a(j) or (k) by the originator of the record, provided the reason for the exemption remains valid and necessary.

UNCLASSIFIED